

Exhibit E

VOLUME: I

PAGES: 1-97

EXHIBITS: 1-1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 1:13-cv-13086-GAO

SIMEON NILES,)
Plaintiff,)

v.)

TOWN OF WAKEFIELD, STEVEN)
SCORY, in his individual)
capacity, KENNETH SILVA, in)
his individual capacity,)
JOHN WHALEY, in his individual)
capacity and SCOTT REBOULET,)
in his individual capacity,)
Defendants.)

Job No. CS1953180

DEPOSITION OF SIMEON NILES, a witness
called on behalf of the Defendants, pursuant to
the applicable provisions of the Massachusetts
Rules of Civil Procedure, before Margaret G.
Oliver, a Professional Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Louison,
Costello, Condon & Pfaff, LLP, 101 Summer Street,
Boston, Massachusetts, on Monday, November 10,
2014, commencing at 10:38 a.m.

<p style="text-align: right;">Page 90</p> <p>1 Having taken a brief break, we are going</p> <p>2 to suspend the deposition of Mr. Niles at this</p> <p>3 time pending some additional production of</p> <p>4 documents from plaintiff's counsel.</p> <p>5 Q. Is there anything else you want to add?</p> <p>6 Or not just add, but are there any answers that</p> <p>7 you put to my questions that you, on reflection,</p> <p>8 want to amend or change?</p> <p>9 A. I would like to amend.</p> <p>10 Q. All right. What question -- what</p> <p>11 specific area would you like to amend?</p> <p>12 A. When I first met with Dr. Kidd.</p> <p>13 Q. Okay.</p> <p>14 A. I think you asked me a question of what</p> <p>15 happened.</p> <p>16 Q. Okay.</p> <p>17 A. And I think the only -- the reason that</p> <p>18 I went to meet with Dr. Kidd I was asked to wait</p> <p>19 14 days or so and I attend -- Dr. Kidd obviously</p> <p>20 examined me. And he recommended me immediately to</p> <p>21 go to see a chiropractor. And I -- that was</p> <p>22 extremely important. That was the first doctor</p> <p>23 that I saw, the chiropractor. And then from the</p> <p>24 chiropractor, then I saw all other doctors.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. Mr. Niles, you said that you went</p> <p>2 to see a chiropractor. Who was that?</p> <p>3 A. That was the chiropractor from</p> <p>4 Wakefield. I can't remember exactly his name.</p> <p>5 But I just think he should be notified in my</p> <p>6 minutes.</p> <p>7 Q. And how many times did you see the --</p> <p>8 A. Probably almost two weeks daily.</p> <p>9 Q. And what time frame was this?</p> <p>10 A. Less than 14 days after the episode.</p> <p>11 Q. And so you saw him for about two weeks?</p> <p>12 A. About two or three weeks, in that area,</p> <p>13 yes.</p> <p>14 Q. And as you sit here today, you can't</p> <p>15 recall his name?</p> <p>16 A. I can't remember exactly, but you have</p> <p>17 the information.</p> <p>18 Q. Okay. And you've used the term "post</p> <p>19 traumatic stress." Has any doctor told you that</p> <p>20 you're suffering from post traumatic stress?</p> <p>21 A. Yes, because I have never been on</p> <p>22 sleeping pills in all my life.</p> <p>23 Q. And which doctor told you this?</p> <p>24 A. All the doctors I have met, even</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Okay.</p> <p>2 A. Because at that time, I was in severe</p> <p>3 pain. And I cannot leave that out. I will speak</p> <p>4 up if I were leaving here without the chiropractor</p> <p>5 being add or any of the doctors such as a</p> <p>6 neurologist that I have met.</p> <p>7 And this was a long and a difficult</p> <p>8 struggle for almost two and one half years of</p> <p>9 constant annoyance, night sweats and post</p> <p>10 traumatic stress. It is not easy. I have never</p> <p>11 been apprehended in my whole life. And I take</p> <p>12 this extremely -- and I'm not taking it lightly.</p> <p>13 I could have died that same day with</p> <p>14 four policemen with four guns almost half the size</p> <p>15 of this table, and recommended that I should lie</p> <p>16 on the floor, step on my lower back. And I just</p> <p>17 want to summarize that. And it bothering me up to</p> <p>18 this day.</p> <p>19 Q. Okay.</p> <p>20 A. I never was on sleeping pills. I am on</p> <p>21 sleeping pills now. So I have to take it very</p> <p>22 seriously. At that point in time, I was 67 years</p> <p>23 old, and I could have a very massive heart attack</p> <p>24 and was seriously disrespected.</p>	<p style="text-align: right;">Page 93</p> <p>1 Dr. Kidd, psychologist, psychiatrist, all of them</p> <p>2 came up with that notion.</p> <p>3 Q. Okay. And who is prescribing you</p> <p>4 sleeping pills?</p> <p>5 A. My primary care doctors, as well as the</p> <p>6 psychologist and psychiatrist recommend the</p> <p>7 sleeping pills.</p> <p>8 Q. But who is the one who's actually</p> <p>9 prescribing them?</p> <p>10 A. Dr. Kidd prescribes.</p> <p>11 Q. And what kind of -- what's the</p> <p>12 medication?</p> <p>13 A. Tamparizain. I think you have that</p> <p>14 information. I can't remember it now.</p> <p>15 Q. But it's a -- it's a prescription, not</p> <p>16 over the counter?</p> <p>17 A. No.</p> <p>18 Q. It's a prescription?</p> <p>19 A. It is a prescription.</p> <p>20 Q. Okay.</p> <p>21 A. Thirty of them is \$400. Frightfully</p> <p>22 expensive. Because I'm having anxiety,</p> <p>23 irritability, cannot sleep. I never can get eight</p> <p>24 hours of sleep, enough. So I want you to</p>

Page 94

1 understand it affected me terribly.

2 Q. Okay.

3 A. I've never been affected in my life of

4 such nonsense.

5 Q. And have you -- prior to coming here

6 today, last evening did you take the sleeping

7 pills?

8 A. Yes.

9 Q. Do you take them every night?

10 A. Every night. I try not to have every

11 night, but some nights is worse than other nights.

12 Q. Okay.

13 MR. LOUISON: Thank you.

14 MR. LEV: Do you want to suspend --

15 MR. LOUISON: Yeah. And now we're going

16 to suspend the deposition of Mr. Niles.

17 (Whereupon the deposition suspended at

18 12:01 p.m.)

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Page 95

1 CERTIFICATE

2 COMMONWEALTH OF MASSACHUSETTS

3 MIDDLESEX, SS.

4

5 I, Margaret G. Oliver, Notary Public in

6 and for the Commonwealth of Massachusetts, do

7 hereby certify that SIMEON NILES, the witness

8 whose deposition is hereinbefore set forth, was

9 duly sworn by me and that such deposition is a

10 true record of the testimony given by the witness.

11 I further certify that I am neither

12 related to or employed by any of the parties

13 hereto or counsel to this action, nor am I

14 financially interested in the outcome of this

15 action.

16 In witness whereof, I have hereunto set my

17 hand and seal this 21st day of November 2014.

18

19 Margaret G. Oliver

20 Notary Public

21 My commission expires: May 18, 2018

22

23 THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT

24 DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY

ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR

DIRECTION OF THE CERTIFYING REPORTER.

Page 96

1 ERRATA SHEET

2 VERITEXT CORPORATE SERVICES

3 800-567-8658

4 ASSIGNMENT NO. CS1953180

5 CASE NAME: Niles, Simeon v. Town Of Wakefield

6 DATE OF DEPOSITION: 11/10/2014

7 WITNESS' NAME: Simeon Niles

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21 Simeon Niles

22 SUBSCRIBED AND SWORN TO

23 BEFORE ME THIS _____ DAY

24 OF _____, 2014.

25

26 NOTARY PUBLIC

27 MY COMMISSION EXPIRES _____

Page 97

1 Veritext Legal Solutions

2 290 W. Mt. Pleasant Ave. - Suite 3200

3 Livingston, New Jersey 07039

4 Toll Free: 800-227-8440 Fax: 973-629-1287

5 _____, 2014

6 To: Dimitry Lev, Esq.

7

8 Case Name: Niles, Simeon v. Town Of Wakefield

9 Veritext Reference Number: 1953180

10 Witness: Simeon Niles Deposition Date: 11/10/2014

11 Dear Sir/Madam:

12 The deposition transcript taken in the above-referenced

13 matter, with the reading and signing having not been

14 expressly waived, has been completed and is available

15 for review and signature. Please call our office to

16 make arrangements for a convenient location to

17 accomplish this or if you prefer a certified transcript

18 can be purchased, which can be sent to you or the

19 deponent directly.

20

21 If the jurat is not returned within thirty days of your

22 receipt of this letter, the reading and signing will be

23 deemed waived.

24

25 Sincerely,

26

27 Production Department

28

29 Cc: Douglas I. Louison, Esq.

30 Chantelle M. D'Angelo, Esq.